

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MARTELL JONES,

Plaintiff,

Case No. 2:23-cv-12509

v.

Honorable Susan K. DeClercq  
United States District Judge

NELSON et al.,

Defendants.

Honorable Curtis Ivy, Jr.  
United States Magistrate Judge

---

**ORDER ADOPTING REPORT AND RECOMMENDATION (ECF No. 39),  
AND GRANTING IN PART AND DENYING IN PART DEFENDANTS’  
MOTION FOR SUMMARY JUDGMENT (ECF No. 20)**

On January 2, 2025, Magistrate Judge Curtis Ivy, Jr., issued a report, ECF No. 39, recommending that this Court grant in part and deny in part the Motion for Summary, ECF No. 20, filed by Defendants Nelson, Doyle, and Heinonen.<sup>1</sup> Judge Ivy provided 14 days to object, but the parties did not do so. They have therefore forfeited their right to appeal Judge Ivy’s findings. *See Berkshire v. Dahl*, 928 F.3d 520, 530–31 (6th Cir. 2019) (citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985)). Moreover, there is no prejudicial clear error in the report.

Accordingly, it is **ORDERED** that the Report and Recommendation, ECF No. 39, is **ADOPTED**.

---

<sup>1</sup> The Complaint names this Defendant “Heindnen,” but Defendant spells his name “Heinonen.”

Further, it is **ORDERED** that Defendants' Motion for Summary Judgment, ECF No. 20, is **GRANTED IN PART AND DENIED IN PART**, as follows:

1. The Motion is **GRANTED** as to Defendant Nelson. Plaintiff's Complaint, ECF No. 1, is **DISMISSED WITHOUT PREJUDICE** as to Defendant Nelson.
2. The Motion is **GRANTED IN PART** and **DENIED IN PART** as to Defendant Doyle. The only claim against Doyle that survives is the one related to withholding water. Plaintiff's Complaint, ECF No. 1, is **DISMISSED WITHOUT PREJUDICE** as to all other claims against Doyle.
3. The Motion is **DENIED** as to Defendant Heinonen.

**This is not a final order and does not close the above-captioned case.**

/s/Susan K. DeClercq  
SUSAN K. DeCLERCQ  
United States District Judge

Dated: January 28, 2025